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Chairman: Mr. Butagira ..... (Uganda)
later: Ms. Carvalho (Vice-Chairman) ..... (Portugal)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 10.10 a.m.

Agenda item 67: Promotion and protection of the rights of children (*continued*) (A/C.3/60/L.22)

Draft resolution A/C.3/60/L.22: Rights of the child

1. **Mr. Thomson** (United Kingdom), introducing the draft resolution on behalf of the sponsors listed, said that the Convention on the Rights of the Child and other human rights instruments played a vital role in the protection of the rights of children and that particular attention should be paid to the plight of children affected and infected by HIV/AIDS.

2. The Bolivarian Republic of Venezuela had been erroneously included in the list of sponsors.

3. **The Chairman** announced that Belarus, Cameroon, Monaco, Morocco, Timor-Leste, Tunisia, Turkey and the United Republic of Tanzania had joined in sponsoring the draft resolution.

Agenda item 71: Human rights questions (*continued*) (A/60/40, A/60/441, A/60/129, A/60/336, A/60/392 and A/60/408-S/2005/626)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/60/134, A/60/266, A/60/272, A/60/286, A/60/299, A/60/301, A/60/301/Add.1, A/60/305, A/60/321, A/60/326, A/60/333, A/60/338, A/60/338/Corr.1, A/60/339, A/60/340, A/60/348, A/60/350, A/60/353, A/60/357, A/60/374, A/60/384, A/60/399, A/60/431 and A/60/392)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/60/221, A/60/271, A/60/306, A/60/324, A/60/349, A/60/354, A/60/356, A/60/359, A/60/367, A/60/370, A/60/395 and A/60/422)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/60/36 and A/60/343)

4. **Ms. Arbour** (High Commissioner for Human Rights) said that the Secretary-General's reform agenda, as outlined in his report, entitled "In larger freedom" (A/59/2005), coupled with the 2005 World Summit Outcome (A/60/L.1), represented an ambitious and necessary programme of change for the United Nations by which Member States promised to deliver on the normative progress that had been made during the previous 60 years in framing, articulating and advancing international human rights law. The Outcome was a collective, unambiguous recommitment to universal human rights. The Summit had recognized explicitly that every State had the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Furthermore, Member States had decided that, where national authorities manifestly failed to protect their populations, the international community, acting through the United Nations, was responsible and empowered to act.

5. In addition, the Outcome provided the first clear, broad and high-level intergovernmental mandate for mainstreaming human rights throughout the United Nations system. It promised a concerted international response to the scourge of human trafficking, gender-based violence and discrimination. It called for renewed action to protect the human rights of migrants, children, indigenous peoples, persons with disabilities, minorities, internally displaced persons and refugees.

6. The new Human Rights Council would have an all-encompassing responsibility for promoting universal respect for the protection of all human rights and fundamental freedoms for all. The Summit had also committed the United Nations to improving the effectiveness of the human rights treaty bodies, whose work had had a direct impact in changing national law and policy and bringing meaningful redress to individual victims of abuse. A more streamlined approach was desirable, bringing all treaty bodies closer together, and the Office of the High Commissioner for Human Rights (OHCHR) was working on proposals for a unified permanent treaty body, together with the relocation of the Committee on the Elimination of Discrimination against Women to Geneva. Furthermore, Member States had called for the doubling of the budget of her Office, which was essential to the implementation of its mandate. Finally, Member States unequivocally supported a closer relationship between the High Commissioner for Human Rights and the Security Council, in recognition of the overwhelming linkage between human rights and peace and security.

7. Her Office was currently engaged in its own major reform process. In particular, it was assessing how to improve its response to key human rights challenges posed by poverty, discrimination, conflict, impunity, democratic deficits and institutional weaknesses. It based its work on the premise that human rights were universal and indivisible and that no country's human rights record was perfect. The Office was seeking to improve its engagement with individual States in helping to address their specific human rights challenges and to maximize its impact through a system of dynamic partnerships within the United Nations system and with Governments, regional organizations, national institutions and civil society. As part of that drive, the Office had recently created a Policy, Planning, Monitoring and Evaluation Unit which would help in establishing a strategic planning and management system.

8. There was a need to strengthen human resources, ensuring appropriate diversity, and ensure that the Office retained the capacity to respond to the growing demands placed on it. Her report (A/60/36) explained how OHCHR was seeking to move forward with those reforms. It outlined key areas of substantive activity in which the Office remained actively engaged and should be read in conjunction with other reports on discrete activities, country situations or thematic issues, which she was also placing before the current session of the Committee, including reports on Afghanistan, Nepal, and Sierra Leone (A/60/343, 359 and 349, respectively).

9. Much emphasis was placed in the Plan of Action outlined in her report on the responsibility of the Office to engage directly and constructively with Member States on human rights issues, including through Geneva-based activities, support to United Nations peace missions and United Nations Resident Coordinators, provision of technical cooperation and advisory services as well as country and regional presences. OHCHR had continued to deepen its country engagement activities and assisted Governments in building and strengthening national human rights protection systems. Support had been provided to constitutional reform in Mexico, and OHCHR had advised the Iraqi constitutional commission on international human rights standards. It had also assisted Member States with their reporting obligations under the international human rights treaties, and with following up on the recommendations of the special procedures. Such assistance remained one of the more important ways to further respect for human rights at the national level. During the previous year, field presences had been opened or strengthened in a number of countries, including Guatemala, Haiti, Nepal and Uganda. At the regional level, offices had been opened in the Pacific and Central Asian regions.

10. At the request of the Commission on Human Rights, OHCHR had established an important field office in Nepal. Currently, an armed conflict that had deeply affected civilians, restrictions on democratic freedoms and longstanding social inequalities were combining to create an extremely precarious human rights situation in Nepal that could deteriorate very rapidly.

11. OHCHR had also sought to strengthen its capacity to field fact-finding missions and support commissions of inquiry, often at short notice. Building on its successful support to the International Commission of Inquiry for Darfur, her Office had deployed or supported missions to Bolivia, Kyrgyzstan (to investigate the killings in Uzbekistan in May 2005), Indonesia and Timor-Leste and Togo.

12. The reform of UNHCHR outlined in the Plan of Action included work on rights-based approaches to development as well as on the issue of the justiciability of economic, social and cultural rights. She therefore called for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. OHCHR had also worked to provide significant substantive support to the high-level task force on the implementation of the right to development, so as to ensure that the intergovernmental process advanced on the surest possible footing.

13. In view of the need to combat terrorism in a manner which met obligations under international human rights law, OHCHR had convened an expert meeting on human rights, counter-terrorism and states of emergency, the outcome of which had been included in the report of the Secretary-General on the issue (A/60/374). It had been suggested that her Office should engage in a dialogue with security and counter-terrorism experts on human rights issues to ensure that the dual objectives of countering terrorism and ensuring respect for human rights were met in practice. Women's human rights continued to remain a concern

for OHCHR. In her address to the Security Council on resolution 1325 (2000), she had highlighted the continuing situation in Darfur as a glaring instance of the pervasive violations women might suffer during conflict.

14. Lastly, the role of OHCHR could be effectively performed only in partnership with others. With United Nations partners, her Office had launched the Action 2 Initiative and was working to implement it. Human Rights Advisers had recently been deployed to a number of United Nations country teams, including to Chad and Togo. Plans were under way to deploy Advisers in Georgia and the Russian Federation as well.

15. **Mr. Ndiaye** (Director, New York Office of the United Nations High Commissioner for Human Rights), introducing several reports of the Secretary-General, said that the Secretary-General's report on the right to development (A/60/286) contained updated information complementing the report of the High Commissioner for Human Rights on the right to development (E/CN.4/2005/24) submitted to the Commission on Human Rights at its sixty-first session. The conclusions and recommendations of the high-level task force on the implementation of the right to development had been endorsed in Commission on Human Rights resolution 2005/4. At its meeting in November, the task force would be examining Millennium Development Goal 8, on a global partnership for development. At its sixty-second session, the Subcommission on the Promotion and Protection of Human Rights had considered a concept document on the right to development and decided to submit the concept paper to the Commission.

16. The Secretary-General's report on human rights and cultural diversity (A/60/340) outlined developments emanating from the Commission's consideration of cultural rights issues, especially with regard to the proposal that the High Commissioner should hold a consultation in 2005 to discuss the possible establishment and terms of reference of a new mandate dealing with cultural diversity, cultural rights and human rights. The Secretary-General's report on effective promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (A/60/333) provided details of developments relating to the promotion of the implementation of the Declaration. Specific mention was made of the importance of mainstreaming minority issues in the work of the various parts of the United Nations system. Reference was also made to the newly established mandate of an Independent Expert on Minority Issues, who had met with the High Commissioner to discuss her mandate and engaged in initial consultations with relevant OHCHR staff and civil society to assist in the identification of priority themes of focus.

17. The Secretary-General's report on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/60/134) contained information received from a Member State regarding practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights. The Secretary-General's report on human rights and unilateral coercive measures (A/60/305) contained the views of and information received from Member States and their analysis of the implications of such measures for their populations.

18. The Secretary-General's report on protection of human rights and fundamental freedoms while countering terrorism (A/60/370) provided an overview of recent developments in that area and salient points emerging from an expert seminar hosted by the New York Office in June 2005. It noted that, while States had a duty to combat terrorism, their actions must be in accordance with international human rights, humanitarian and refugee law, which was currently not the case in many instances. The Secretary-General's report on human rights and terrorism (A/60/326) summarized the views of Member States on the implications of terrorism for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary fund for the victims of terrorism as well as on ways and means to rehabilitate the victims of terrorism.

19. Lastly, the Secretary-General's report on the situation of human rights in Turkmenistan (A/60/367) built on a note by the secretariat submitted in 2004 to the Commission on Human Rights on the same subject (E/CN.4/2004/118).

20. **Mr. Schölvinck** (Director, Division for Social Policy and Development), introducing the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with

Disabilities on its sixth session (A/60/266), said that the report included recommendations concerning the continuation of the work of the Ad Hoc Committee in 2006, the need for additional efforts to ensure accessibility at the United Nations, with reasonable accommodation as regards facilities and documentation, and increased inter-agency collaboration in anticipation of the implementation of the draft convention.

21. The sessions of the Ad Hoc Committee in 2005 had been serviced by the Department of Economic and Social Affairs in close collaboration with OHCHR, which had prepared background documentation in close consultation. Meetings of experts had also been organized by both offices in connection with the side events of the Ad Hoc Committee. In line with the recommendation of the Ad Hoc Committee, the Department was exploring innovative measures for the provision of selected documents in Braille.

22. In addition to managing the United Nations Voluntary Fund on Disability to facilitate the participation of NGO representatives in the sessions of the Ad Hoc Committee in New York, the Department had provided: an information note for NGOs on the accreditation, registration, funding and participation procedures in English, French and Spanish, made available on the website and upon request; a letter containing information on the Ad Hoc Committee sessions and related participation procedures sent to all NGOs in consultative status with the Economic and Social Council; specific responses to ad hoc queries by NGOs, national human rights institutions, intergovernmental bodies and other types of organizations; and special efforts to accommodate the needs of NGO representatives to the Ad Hoc Committee. In particular, extra time had been allowed for participants to register at the beginning of sessions.

23. *Ms. Carvalho (Portugal), Vice-Chairman, took the Chair.*

24. **Mr. Normandin** (Canada) asked the United Nations High Commissioner for Human Rights what kind of support she required from Member States for the implementation of the Plan of Action.

25. **Mr. Hussain** (Pakistan) said that his delegation was concerned that the new Plan of Action placed strong emphasis on country presence and that all the provisions of General Assembly resolution 48/141 should be kept in mind when implementing the Plan. The composition of OHCHR should reflect the universal membership of the United Nations; Islamic countries were poorly represented. The establishment of guidance tools for country engagement should be a transparent process and Member States should be kept fully informed of developments. He also noted the absence in the report (A/60/36) of a follow-up plan to determine how poverty, development and globalization challenges would be addressed in the future.

26. **Mr. Gzlall** (Libyan Arab Jamahiriya) asked whether the new Human Rights Council would employ other tools besides the peer review mechanism and whether that mechanism was to be used in addition to the treaty bodies. He questioned how the use of the same mechanism by the new Council would produce different results from the politicization and double standards of the past.

27. **Ms. García-Matos** (Bolivarian Republic of Venezuela) recalled that her country had rejected the legal status of the 2005 World Summit Outcome and that it had asked the General Assembly to reconsider that document.

28. **Mr. Cumberbatch Miguén** (Cuba) said that the 2005 Summit Outcome had been manipulated and adopted by a small group of countries imposing authoritarian measures on the majority. His country totally rejected the concept of the responsibility to protect contained in the document, since there was no guarantee that such a concept would not, as usual, be exploited by the more powerful countries. States did not have a responsibility to protect people from serious crimes but rather a responsibility not to commit them. The concept of the right to protect was therefore redundant and, as recent history had shown, could be dangerous. Moreover, the main promoters of the concept had themselves frequently failed to protect people from their own bombs and from acts of torture, for which the relevant United Nations human rights bodies had also failed to take action. His delegation had serious doubts about the additional resources to be allocated to OHC R and asked what actions would be taken to avoid a resulting detrimental impact on the Organization's other areas of work. He also asked how the High Commissioner would ensure that economic, social and cultural rights were accorded the same attention as political and civil rights.

29. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that political and budgetary support was the clearest kind of cooperation that

Member States could provide OHCHR. Human rights activities were insufficiently funded and it was therefore important, first of all, for Member States to support the recent pledge to double regular budgetary contributions to OHCHR. Second, international commitments to fundamental human rights should be implemented primarily by means of cooperation, such as through OHCHR technical cooperation programmes with States. Third, closer cooperation was needed between OHCHR and regional and subregional groups.

30. General Assembly resolution 48/141 had given the High Commissioner for Human Rights a highly appropriate mandate and had referred to the effective enjoyment of rights, which had often been lacking in the past. While there had been an excellent cooperative effort to develop a normative framework for human rights, there had been shortfalls in their implementation.

31. The Plan of Action should be read in its totality and the reference to country engagement was not synonymous with a presence in the field. In some situations OHCHR needed to be represented by deploying a human rights adviser to a country team and, in other cases, through a self-standing office mandated by the Commission on Human Rights or the General Assembly. A proper assessment of shortcomings in implementing human rights in a given country would lead to appropriately targeted technical assistance programmes, which would be more helpful than generic programmes developed in Geneva.

32. Fact-finding missions were increasingly being used as a means of promoting and protecting human rights by OHCHR, although most of its missions were mandated by the Security Council or the Commission on Human Rights. It was therefore important to ensure that OHCHR was appropriately equipped to perform those tasks.

33. Poverty was one of the most important human rights violations. While OHCHR did not claim that it had unique expertise or a unique capacity in that area, it could play a role in alleviating poverty in partnership with other United Nations agencies, civil society and Governments. Poverty must not be viewed simply as a form of economic deprivation but as a violation of human dignity to be addressed through the Millennium Development Goals and other initiatives.

34. She had made clear her personal commitment to accord equal attention to economic, social and cultural rights alongside civil and political rights, although world events often drew more attention to the last two rights. It was therefore extremely important to ensure that OHCHR technical assistance programmes to States, and all its other efforts to promote and protect human rights, were deployed equally and equitably.

35. Any reform initiative such as peer review needed to avoid duplication. A treaty body review of compliance with human rights obligations was fundamentally different in concept from any similar initiatives that could be undertaken by a newly formed Human Rights Council. Treaty bodies could only review commitments voluntarily undertaken by those who had ratified the relevant treaties, whereas an intergovernmental mechanism would address universally applicable human rights standards. The use of peer review by the new Human Rights Council could help to address allegations of selectivity and double standards by ensuring that all Member States were subject to some form of accountability by their peers for the discharge of their human rights obligations.

36. As part of the United Nations Secretariat, OHCHR applied the rules of the United Nations on geographical distribution within the constraints of the recruitment procedures in place. Cultural diversity was a great advantage in the field of human rights and she hoped that the proposed increase in OHCHR resources would enable its composition to be more geographically balanced.

37. **Mr. Berzinji** (Iraq) said that the new Constitution of Iraq would ensure respect for human rights and asked what additional assistance could be provided to Iraq by OHCHR, particularly in the timely preparation of its reports for the implementation of international conventions.

38. **Mr. La** Yifan (China) asked how OHCHR would deploy its new resources to ensure that economic, social and cultural rights were enjoyed as effectively as civil and political rights.

39. **Mr. Thomson** (United Kingdom), speaking on behalf of the European Union, asked the High Commissioner what the doubling of its budgetary resources would allow OHCHR to do in terms of its Plan of Action, what Member States could then do to assist it in carrying out its increased functions, and how mainstreaming could help the human rights work of the United Nations.

40. **Ms. Zack** (United States of America) said that the Human Rights Council represented an opportunity to move into an era of implementation and asked how the new Council could establish technical assistance mandates that would address more effectively the aspirations of individual countries.

41. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that the additional resources would be geared to advancement of the Plan of Action. The first priority for OHCHR was to strengthen its in-house capacity to manage complex technical cooperation programmes. The deployment of any additional capacity should follow the concept of country engagement, partnership and leadership.

42. The implementation of all human rights required partnerships with national Governments, following a proper diagnosis of the methods of implementation to propose to Governments. In order for OHCHR to engage appropriately in technical assistance programmes geared to the specific needs of Member States or regions, it needed a considerably more sophisticated capacity in terms of desk officers and country analysis. The increase in resources would therefore be aligned with strengthening the Geneva-based capacity of OHCHR, so that it could be a relevant and viable partner with Governments in the implementation of all human rights.

43. The mainstreaming of all human rights was a necessary exercise because it was probably the most promising means of multiplying the implementation of human rights. However, it was inaccurate to suggest that successful human rights mainstreaming would replace other capacity specifically dedicated to human rights.

44. **Mr. Ballestero** (Costa Rica) asked the High Commissioner how she thought the reform of the human rights mechanisms should develop, with particular reference to mainstreaming, and to comment on the view that the treaty bodies were the victims of their own success. He also inquired about the adoption of a two-chamber approach for other treaty bodies in addition to the Committee on the Rights of the Child, and the proposal to hold meetings of the Committee on the Elimination of Discrimination against Women (CEDAW) in Geneva.

45. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that the projected reform of the treaty body system was ambitious, but that without such a reform the accumulated backlog of reports would never be cleared. The treaty body system was indeed a victim of its own success, reflected in the backlog, but also in the record number of treaty bodies, both already established and yet to be created, the increased possibility of recourse thereto by individuals as well as by States, and the rise in the number of ratifications. A unified treaty body system would mean better accessibility for Member States, which had to contend with a multiplicity of demands for reports, some of which overlapped, and would result in more relevant concluding observations. Her Office was currently preparing a document in which those ideas were being developed.

46. The proposal to locate CEDAW in Geneva was not unconnected to the view expressed at the Beijing Conference 10 years previously that women's rights were human rights. Gender concerns should accordingly be mainstreamed in economic, social, political and civil rights in the work of the treaty bodies and in the United Nations system, including in the work of OHCHR, without losing sight of their specificity.

47. **Ms. Boniver** (Italy) said that human rights were not abstract juridical concepts and that, as they were relevant to all aspects of the work of the United Nations, they should be at the heart of its reform agenda. The reform, which should be comprehensive, result-oriented and consensual, should be inclusive in spirit and seek to reflect all political and cultural perspectives. The new Human Rights Council should accordingly maintain an ongoing dialogue with non-Member States and with civil society. It should follow on smoothly from the Commission on Human Rights and incorporate its best features, particularly the special procedures and mechanisms, while its members should undertake to abide by the highest human rights standards.

48. Convinced of the need to link the promotion of democracy and human rights, Italy attached particular importance to working with the "Community of Democracies", a forum dedicated to the peaceful promotion of democracy of which Mali had recently assumed the presidency. While democracy had indeed progressed in some parts of the world, there was a failure in some cases to act against gross violations of human rights. In the fight against terrorism, the need to strengthen security measures had to be reconciled with the imperative of protecting civil liberties and the

constitutional democratic order and ensuring respect for international law, as Italy was committed to doing. She referred in that connection to principles and guidelines established by the United Nations, the European Union and the Council of Europe, which had inspired Italy's domestic legislation.

49. Italy also remained committed to the universal abolition of the death penalty and welcomed the growing consensus against capital punishment. Pending its abolition, the campaign towards a general moratorium on executions was moving forward and called for a heightened commitment by the international community.

50. Her country was likewise deeply involved in efforts to eliminate all forms of discrimination against women with a view to securing their full participation, on an equal footing with men, in decision-making, on which depended political, civil, social and economic progress worldwide. She referred in conclusion to the special concern of Italy to combat trafficking in girls and women, as part of its commitment to fighting all forms of abuse and exploitation of individuals.

51. *Mr. Butagira (Uganda), Chairman, resumed the Chair.*

52. **Mr. Thomson** (United Kingdom), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Turkey and Croatia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Iceland and Ukraine, said that throughout the world human rights violations continued to go unpunished, despite the best efforts of the European Union.

53. Possibly, however, a turning point had been reached, marked by the World Summit's commitment to double the regular budget resources of OHCHR over the next five years and to mainstream human rights in the United Nations system. The Human Rights Council should be a standing body able to respond swiftly and effectively to urgent human rights situations and questions. It should have the appropriate tools to promote and protect all human rights, giving equal attention to civil, cultural, economic and social rights, which were universal, indivisible and mutually reinforcing. It should build on the strengths of the Commission on Human Rights and its members must undertake to abide by the highest human rights standards. A successful Council would translate into reality the principle reaffirmed by the Summit that human rights, together with peace, security and development, were interlinked and mutually reinforcing pillars of the United Nations system.

54. While no country could claim to have a perfect human rights record, all countries should be transparent about their weaknesses and do their best to remedy them. Alluding in particular to Myanmar and the case of Aung San Suu Kyi, he said that all Governments should ensure that human rights defenders could operate in safety and without fear of harassment and attack. All too often, however, Governments viewed such persons as adversaries rather than allies, as was reflected in the worrying increase, documented by the Special Representative on human rights defenders, in reported attacks on them all over the world.

55. Curbs on freedom of expression went hand in hand with the non-enjoyment of other basic human rights. Yet the free flow of information and ideas was vital to effective democracy and essential to economic development and growth. Singling out countries that offered outstanding illustrations of the impact of freedom of expression or of its repression, he said that it was the duty of all Governments to eliminate barriers to such freedom, as guaranteed by a number of international normative instruments.

56. The European Union considered it a priority to prevent and eradicate all forms of torture and other inhuman or degrading treatment or punishment and urged all countries that had not yet done so to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Implementation was equally important, however, and States had to make it clear to all their officials that torture would never be tolerated. They should also give early consideration to signing and ratifying the Optional Protocol to that Convention, which would offer a concerted international approach to eradicating torture, focusing on preventing it rather than reacting after its occurrence. The European Union called on all States parties to comply with their obligations under the Convention, including those on reporting, and to cooperate with the Special Rapporteur.

57. Being also particularly concerned about the trade in goods used in torture, the European Union had

adopted a Regulation prohibiting such trade and urged other States to introduce similar legislation. It was ready to cooperate with them in that area, including through technical assistance.

58. Abolition of the death penalty was one of the European Union's primary goals and would contribute to the enhancement of human dignity and the progressive development of human rights. He called on all States to abolish the penalty and, pending full abolition, to apply an immediate moratorium on executions. While positive steps had been taken in that direction in the previous year, particularly in Senegal, Tajikistan, Kyrgyzstan and the United States of America, the death penalty continued to be applied in some parts of the world. He referred to China and Iran, where the level of executions remained high, to Iran, where juveniles continued to be executed, and to the Palestine Authority and the new Iraqi Government, both of which had introduced the death penalty in their national legislation. Uzbekistan also gave cause for concern, while at the same time opening up the prospect of abolition of the death penalty by 2008.

59. **Ms. Henouda** (Algeria) said that the universality of human rights should be based on the recognition of cultural, historical and geographical particularities, as reflected in the Vienna Declaration, and on the principles of sovereignty and non-interference in the internal affairs of States.

60. The creation of the Human Rights Council and the strengthening of the Office of the High Commissioner for Human Rights provided an excellent opportunity to draw lessons from the past and formulate new procedures ensuring the complete depoliticization of human rights issues.

61. Aware that the State was primarily responsible for establishing the rule of law, Algeria had emerged from a decade of terrorism with a firm resolve to democratize the country and promote the rights and freedoms of the individual. In September 2005, the Algerian people had approved, by referendum, the adoption of a charter for peace and national reconciliation.

62. The democratic transition in Algeria had allowed the establishment of pluralistic and elected institutions. Dozens of political parties were now actively participating in political life and several of them were represented in the National Assembly. A reform of the judicial sector was also under way, as part of the Government's programme to consolidate the rule of law. Algeria had a rapidly expanding civil society and a particularly dynamic, varied and free press. It should be noted that Algeria was determined to complete the democratization process on its own schedule, free of pressure and solicitation.

63. At the international level, Algeria was a party to the principal international human rights instruments and was fulfilling its treaty obligations. The Government submitted its periodic reports regularly and on time and fully intended to continue its cooperation and dialogue with the relevant Committees and with the non-treaty United Nations mechanisms. Finally, Algeria remained open to working with international non-governmental organizations active in the field of human rights.

64. **Ms. Tchitanava** (Georgia) said that her delegation fully supported the initiatives of the High Commissioner for Human Rights to reform United Nations human rights mechanisms and believed that they would help to mainstream the work of Governments, civil societies and international and non-governmental organizations.

65. As a country in transition with a young democracy, Georgia was proud of its achievements but also very aware of its challenges. After gaining independence, the country had joined several international organizations and had become a party to the various human rights treaties and conventions. Most of the human rights mechanisms had been incorporated into the national legislations, and the relevant government bodies were cooperating closely with international organizations on issues related to human rights, democratization and humanitarian affairs.

66. Georgia had presented its third periodic report to the Committee against Torture and had been visited by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2004. The Georgian Government had signed a decree declaring the country a "torture-free zone" in 2002 and a national plan had been adopted to implement it in 2003-2005.

67. Considerable progress had been made in achieving an independent judiciary and, with the support of international organizations, the Ministry of the Interior had launched an intensive programme against human trafficking. A school had been

established to train students in public management, promote the civil integration of national minorities and teach the national language.

68. With respect to the human rights situation in Abkhazia and South Ossetia, the secessionists who had seized the territories were committing acts of genocide and ethnic cleansing against Georgians. Other ethnic groups were also being forced to flee their homes to escape the torture and brutalities systematically carried out by the Abkhaz authorities. The human rights office set up in Sukhumi as part of the United Nations Observer Mission in Georgia had started operating in 1999 but had not achieved any tangible results as yet.

69. The human rights situation remained precarious in the conflict zones, particularly in the Gali district, where the majority of the population was Georgian. The death penalty, which had been abolished in Georgia in 1997, was still being applied in Abkhazia. Although the Georgian Government was opposed to unilateral coercive measures, the returnees to the Gali district were continuously being attacked by the Abkhaz militia and deprived of essential services as well as of social and political rights. The Government was also gravely concerned about the banning of the Georgian language and the threats against teachers who continued to teach in Georgian.

70. Although a number of United Nations resolutions had called on the Abkhaz de facto authorities to provide security guarantees, the United Nations and the international community needed to take more decisive action so that refugees and internally displaced persons could return safely and promptly to their places of origin in Abkhazia, Georgia and South Ossetia.

71. **Mr. Acharya** (Nepal) said that his Government had become a party to various international human rights instruments and that its commitment to the promotion and protection of human rights was reflected in the country's Constitution.

72. His Government attached great importance to the United Nations special procedures on human rights and was committed to helping OHCHR carry out its mandated activities in Nepal. The Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment and the Working Group on Enforced or Involuntary Disappearances had already visited Nepal and his Government was committed to implementing their practical recommendations. It was investigating all allegations of extrajudicial killings and wished to point out that the OHCHR report on Nepal (A/60/359) acknowledged government action taken in previous reported cases.

73. Disappearances were not policy-driven and Nepal had provided sufficient information on most cases in its responses. The fate and whereabouts of allegedly disappeared people had occasionally been clarified in successive reports prepared by an investigative committee. It should be noted that the number of outstanding cases had been significantly reduced. Detainees held under terrorist and public security acts had been treated in accordance with the law and were provided with a formal charge sheet explaining the reason for their detention under the respective legal provisions. In an effort to clarify allegations regarding arbitrary arrests and illegal Government detentions, his Government had allowed the OHCHR team free access to all places of detention, including army barracks, without prior notice. Measures had also been taken to prevent the re-arrest of persons on the same charge after their release.

74. His Government did not allow the use of torture to elicit confessions or information and was preparing to criminalize such practices. Security operations were carried out to protect the most fundamental right, the right to life, and security forces had been instructed to make every possible effort to distinguish between civilian objects and military objectives.

75. His Government was well aware of its responsibility to address the protection and assistance needs of internally displaced persons and had developed a new and comprehensive policy draft on that subject, based on the United Nations guiding principles. With regard to the national human rights commission, his Government wished to emphasize that the Paris Principles had been fully respected. It was hoped that OHCHR would become involved in augmenting the capacity of that commission as well as other national institutions.

76. His Government was committed to protecting the freedom of human rights defenders by facilitating their access to places of reported incidents of human rights violations and by giving NGOs the freedom they needed to operate in areas of security operations.

77. After the state of emergency had been lifted in April 2005, his Government had released all persons detained under the public security act. Municipal elections were planned for 2006 and elections to the

national parliamen. for the following year. Both elections were expected to re-energize multiparty democratic institutions, which were vital for the promotion and protection of human rights.

78. **Mr. Wang** Guangya (China) said that the establishment of the Human Rights Council represented an important step in the reform of the United Nations human rights mechanisms. The Human Rights Council should solve the "credibility crisis" facing the Commission on Human Rights by formulating fair, objective and transparent review standards and procedures and by refraining from politicization, double standards and selectivity.

79. The Human Rights Council should have full representation. It had been observed that increasing the membership of the Commission on Human Rights had played an important role in enabling more countries to participate in the human rights cause, enhancing national human rights capacity-building, and promoting regional and international cooperation. The members of the Council could be elected by a simple majority of the General Assembly members on the basis of equitable geographical distribution.

80. The Human Rights Council should be a forum for dialogue, exchange and cooperation. In performing its responsibilities, it should take into account the world's diversity and respect the right of all countries to choose their own social system and path to development. Dialogue and exchange among countries should be encouraged through the establishment of appropriate working methods and mechanisms.

81. China welcomed the recommendations on United Nations human rights reform contained in the report of the United Nations High Commissioner for Human Rights (A/60/36) and hoped that OHCHR would take the opportunity to enhance its cooperation with Member States, continue to improve its work and better fulfil its responsibilities. China was pleased that the High Commissioner had paid a successful visit to China earlier in the year and that she had signed a new memorandum of understanding on human rights cooperation with the Government. China looked forward to more extensive cooperation with the United Nations on human rights education, capacity-building and the rule of law.

82. In an effort to guarantee the human rights of its people, the Government had adopted a series of measures to improve its legal system, accelerate the democratic process and develop the economy. China had achieved world-renowned progress in poverty eradication, compulsory education, health care for women and children, and the protection of the rights of the disabled, the aged and other vulnerable groups. As a developing country, China had not yet achieved the full realization of all fundamental freedoms and human rights but would continue to strive for progress.

83. **Mr. Bazel** (Afghanistan) said that his country welcomed the report of the United Nations High Commissioner on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights (A/60/343). It endorsed many of the recommendations in the report, particularly the recommendations concerning the rule of law and the administration of justice, the situation of women, the situation of children, and economic, social and cultural rights.

84. Afghanistan remained strongly committed to the promotion and protection of human rights and had adopted a Constitution in 2004 which safeguarded and guaranteed human rights and fundamental freedoms, including equal rights between men and women. The recent completion and implementation of the Bonn Agreement and the holding of parliamentary elections, which had included the participation of women, marked a milestone in the achievement of democracy.

85. Afghanistan was pleased that the report of the High Commissioner had dealt with the question of human rights in a comprehensive manner and that social, economic and cultural rights as well as the question of persons with disabilities had been reflected. However, the report should have focused less on transitional justice and more on the right to development. It was important to use available resources to address the population's immediate needs, namely to provide assistance to millions of unemployed; to build shelter for millions of returnees; to create job opportunities for thousands of demobilized former combatants; and to reduce the rate of maternal and infant mortality.

86. **Mr. Dall'Oglio** (International Organization for Migration (IOM)) said that States could take a number of measures to better protect the human rights of migrants. Firstly, the countries of origin should ensure that their nationals were informed of their rights and responsibilities prior to their departure and that they knew where to seek help in the host country. Secondly,

States should strengthen consular protection and assistance to distressed migrants and provide them with legal assistance, counselling, safe shelter, health care and voluntary return and reintegration assistance. Thirdly, States should effectively enforce legislative measures penalizing transnational crime and ensure that their border controls and migration policies were fully compatible with international legal norms and human rights policies.

87. The main obstacle to the protection of the rights of migrants was the failure of States to implement the conventions and agreements that they had freely accepted. Fifteen years after its adoption by the General Assembly, only 33 countries had ratified or acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

88. Humane and orderly migration benefited both the migrants themselves and society as a whole. With a view to raising awareness of the human rights of migrants, IOM organized training courses and capacity-building workshops for government officials, lawyers, and representatives from international organizations, NGOs and the media. IOM also supported and trained local NGOs to enable them to provide protection to migrants.

89. IOM had worked in cooperation with the Special Rapporteur on the human rights of migrants and had made itself available to the newly established Committee on Migrant Workers to assist it in the fulfilment of its functions.

90. In conclusion, intergovernmental organizations, civil society and other actors shared a collective responsibility to protect the human rights of migrants and to address the root causes of migration, including poverty, conflict and environmental destruction.

The meeting rose at 1.15 p.m.